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An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §1464, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is repealed.

Sec. 2. 20-A MRSA §1464-A is enacted to read:

§ 1464-A. Collective bargaining

1. Assumption of obligations, duties, liabilities and rights. On the operational date established pursuant to section 1463, subsection 1, the regional school unit board of directors shall assume all of the obligations, duties, liabilities and rights of the participating school administrative units for all purposes under Title 26, chapter 9-A. The regional school unit is considered a single employer. Notwithstanding any other provision of law, the responsibilities of the regional school unit include:

A. Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by a participating school administrative unit;

B. Assumption and continued observance of all collective bargaining agreements between such bargaining agents and a participating school administrative unit, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and regional school unit mutually agree otherwise; and

C. Collective bargaining for an initial or successor collective bargaining agreement in any bargaining unit in which a collective bargaining agreement is not in effect on the operational date.

2. Existing teachers; staff; employees. All teachers, support staff and employees who are employed by any school administrative unit that has been consolidated into a regional school unit must be transferred to, and continue to be employed by, the regional school unit, and such teachers, support staff and employees maintain their salaries or wages, insurance and retirement benefits, accumulated leave and accrual rights thereto, seniority, contract and employment status and other working conditions. These rights and benefits may not be diminished by their transfer to a consolidated or regional school unit.

3. Existing bargaining units. All bargaining units in existence on the effective date of this section of teachers, support staff and employees continue to exist notwithstanding consolidation of a corresponding school administrative unit into a regional school unit. The regional school unit shall maintain and honor any agreements, contracts or policies regarding the rights and benefits of retirees and former employees created in bargaining units in existence on the effective date of this section.

4. Recognition of bargaining agents. Following consolidation, bargaining agents who were recognized or certified on the effective date of this section as the representatives of bargaining units of teachers, support staff and employees must continue to be recognized as the representatives of such teachers, support staff and employees by the appropriate regional school units.

5. Automatic assignment. All collective bargaining agreements in effect as of the last day of operation of school administrative units that are to be consolidated must be automatically assigned to the appropriate regional school unit as of the date that the regional school unit becomes operational. Such collective bargaining agreements continue in full force and effect for the remainder of their terms and must be renegotiated thereafter between the appropriate regional school units and bargaining agents.

Sec. 3. PL 2007, c. 240, Pt. XXXX, §43, sub-§6 is repealed and the following enacted in its place:

6. Collective bargaining. The following provisions apply.

A. On July 1, 2008 for regional school units approved prior to January 16, 2008 and on July 1, 2009 for regional school units approved after January 15, 2008 and before November 5, 2008, the regional school unit board of directors shall assume all of the obligations, duties, liabilities and rights of the participating school administrative units for all purposes under Title 26, chapter 9-A. The regional school unit is considered a single employer. Notwithstanding any other provision of law, the responsibilities of the regional school unit include:

(1) Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by a participating school administrative unit;

(2) Assumption and continued observance of all collective bargaining agreements between such bargaining agents and a participating school administrative unit, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and regional school unit mutually agree otherwise; and

(3) Collective bargaining for an initial or successor collective bargaining agreement in any bargaining unit in which a collective bargaining agreement is not in effect on the operational date.

B. All teachers, support staff and employees who are employed by any school administrative unit that has been consolidated into a regional school unit must be transferred to, and continue to be employed by, the regional school unit, and such teachers, support staff and employees maintain their salaries or wages, insurance and retirement benefits, accumulated leave and accrual rights thereto, seniority, contract and employment status and other working conditions. These rights and benefits may not be diminished by their transfer to a consolidated or regional school unit.

C. All bargaining units in existence on the effective date of this section of teachers, support staff and employees continue to exist notwithstanding consolidation of a corresponding school administrative unit into a regional school unit. The regional school unit shall maintain and honor any agreements, contracts or policies regarding the rights and benefits of retirees and former employees created in bargaining units in existence on the effective date of this section.

D. Following consolidation, bargaining agents who were recognized or certified on the effective date of this section as the representatives of bargaining units of teachers, support staff and employees must continue to be recognized as the representatives of such teachers, support staff and employees by the appropriate regional school units.

E. All collective bargaining agreements in effect as of the last day of operation of school administrative units that are to be consolidated must be automatically assigned to the appropriate regional school unit as of the date that the regional school unit becomes operational. Such collective bargaining agreements continue in full force and effect for the remainder of their terms and must be renegotiated thereafter between the appropriate regional school units and bargaining agents.

SUMMARY

This bill removes language from the regional school unit authorization laws requiring the merger of bargaining units on a regional school unit-wide basis and enacts new provisions preserving existing bargaining units, existing collective bargaining agents and existing collective bargaining obligations.